

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH SCOTT MCKEE,

[DOB: 06/21/1967]

Defendant.

No. 18-05043-01-CR-SW-BP

COUNTS 1 – 17

18 U.S.C. §§ 1115 and 2

For Each Count:

NMT 10 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class C Felony

\$100 Special Assessment (Each Count)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNTS 1 – 17

On or about July 19, 2018, on Table Rock Lake, a navigable water of the United States within the Western District of Missouri and within the admiralty jurisdiction of the United States, the defendant, **KENNETH SCOTT MCKEE**, while piloting, operating, and navigating *Stretch Duck 7* as the captain, pilot, and master of said vessel, committed the following acts of misconduct, negligence, and inattention to duty:

- A. Failed to properly assess incoming weather prior to and upon entering the vessel on the water;
- B. Entered the vessel on the water when there was lightning in the area;
- C. Entered the vessel on the water when severe weather approached the area;
- D. Failed to properly assess the nature of the severe weather when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;

- E. Operated *Stretch Duck 7* in violation of the conditions and limitations specified in the vessel's United States Coast Guard issued Certificate of Inspection;
- F. Failed to instruct the passengers to don personal floatation devices when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- G. Failed to immediately increase speed and head to the nearest shore when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- H. Caused or allowed the vessel's side curtains to be lowered, when severe weather, including increased wind speed, arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- I. Failed to raise the side curtains when severe weather, including increased wind speed, arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- J. Failed to raise the side curtains the first time the vessel's bilge alarm sounded;
- K. Failed to raise the side curtains the second time the vessel's bilge alarm sounded;
- L. Failed to instruct the passengers to don personal floatation devices the first time the vessel's bilge alarm sounded;
- M. Failed to instruct the passengers to don personal floatation devices the second time the vessel's bilge alarm sounded;
- N. Failed to prepare to abandon ship the first time the vessel's bilge alarm sounded;
- O. Failed to prepare to abandon ship the second time the vessel's bilge alarm sounded;
and
- P. Failed to prepare to abandon ship when there was an unacceptable loss of freeboard on the vessel.

The Grand Jury further alleges that the defendant, **KENNETH SCOTT MCKEE**, as the captain, pilot, and master of *Stretch Duck 7*, by the above-stated acts of misconduct, negligence, and inattention to duty, separately and collectively, contributed to and caused the destruction of the life of any person on board *Stretch Duck 7*, with each count set forth below representing one of the seventeen persons whose life was destroyed:

COUNT	PERSON WHOSE LIFE WAS DESTROYED
1	Ar.C.
2	M.L.
3	Ev.C.
4	R.C.
5	L.S.
6	G.C.
7	An.C.
8	S.S.
9	J.B.
10	L.D.
11	W.B.
12	R.H.
13	B.C.
14	W.A.
15	H.C.
16	R.W.
17	Er.C.

All in violation of Title 18, United States Code, Sections 1115 and 2.

A TRUE BILL

/s/ Kimberly Culp
FOREPERSON OF THE GRAND JURY

/s/ Randall D. Eggert
Randall D. Eggert
Assistant United States Attorney

/s/ Casey Clark
Casey Clark
Assistant United States Attorney

DATED: 11/06/2018